



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

BIRCH, STEWART, KOLASCH & BIRCH, LLP
10940 WILSHIRE BOULEVARD
LOS ANGELES CA 90024-4450

COPY MAILED

FEB 15 2005

OFFICE OF PETITIONS

In re Application of
Allen Petroskey et al.
Application No. 10/686,210
Filed: October 15, 2003
Attorney Docket No.: COL/04
Title: WRITING INSTRUMENT WITH
ROTATABLE DESIGN ELEMENT

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed October 4, 2004, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees². Accordingly, the above-identified application became abandoned on September 17, 2004.

With the petition, Petitioner has submitted the petition, publication, and issue fees³, as well as the proper statement of unintentional delay.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² See MPEP §710.02(e).

³ An additional \$20 has been charged to Petitioner's Deposit Account to cover the issue fee deficiency, as authorized in the letter received February 4, 2005.

Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The application file is being forwarded to the Office of Patent Publications for further processing into a patent.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: SELDON, ROBERT
Birch Stewart Kolasch and Birch LLP
10940 Wilshire Blvd 18th Floor
Los Angeles, CA 90024